



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

Attn. of: SERO Policy

March 23, 2005

Subject: Policy Memorandum 245-06-19: Verification Activities – Reauthorization 2004
Implementation

To: All State Directors
National School Lunch Program
Southeast Region

This memorandum provides information about implementing requirements concerning confirmation activities, individual review of selected applications and follow-up in relation to verification of households' eligibility for free or reduced price meals. The Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) amended section 9(b) (3) of the Richard B. Russell National School Lunch Act (NSLA) by adding subparagraphs (E), (G), and (J) which address confirmation and follow-up activities and individual review, respectively. These provisions are effective July 1, 2005.

The NSLA now requires that local education agencies (LEAs) review all applications selected for verification prior to conducting any other verification activity. The law uses the term "preliminary review." To avoid confusion, we are calling this the "confirmation review" as it is designed to check the accuracy of the initial eligibility determination. This confirmation review must be done by an individual other than the individual who made the initial eligibility determination. This requirement may be waived, however, if the LEA has a technology-based system that demonstrates a high degree of accuracy. Any LEA that has an automated system processing applications must contact the State agency to determine if its system qualifies.

Once any required confirmation reviews are completed, the LEA will proceed with verification if the initial determination was correct or if the initial determination was incorrect, but the household is still eligible for benefits. If the initial determination was incorrect, the LEA must correct the household's status and notify the household of the change. If the household's status changes from free or reduced price to paid or from free to reduced price, a notice of adverse action is required. Any application that is not subject to verification must be replaced by a similar application (i.e., an application within \$100 of the monthly eligibility limit).

We would also like to point out that the law now allows the LEA, on individual review, to decline to verify no more than five percent of the applications in the selected sample. Any application that was removed from the sample must be replaced with another application. LEAs should consider factors such as household stability and communication difficulties when declining applications.

The NSLA now requires verification follow-up activities by LEAs. First, LEAs must provide all households selected for verification with a telephone number that they may call for assistance. The call must be free to all households in the LEA. The LEA may establish a toll-free number or allow the household to reverse the charges if any households in that school district are outside the local calling area within the school district. The LEA may also provide different telephone numbers for each local calling area within the school district.

The school or LEA should determine the appropriate person to respond to requests for verification assistance. The household must be able to contact a school or LEA official who can either directly assist them or can refer the caller to a specific person to help. If the household is unable to obtain assistance during their initial call, an LEA or school official must attempt to initiate further contact.

Secondly, there is a formal follow-up requirement which concerns households that fail to respond to the initial request for verification. The LEA must make at least one attempt to obtain the necessary verification from the household. The attempt may be made through the mail, by telephone, by e-mail, or through personal contact. The LEA must document any attempts and the results, if any. If the LEA is unable to verify the household's eligibility status after the follow-up attempt(s), the household's benefits must be terminated through a notice of adverse action.

The LEA may contract with a third party to assist with the required follow-up activity. Any third party is subject to the confidentiality requirements outlined in the current regulations.

These provisions will be incorporated into the interim rule to implement the revised verification procedures. Please contact the Southeast Regional Office if you have any questions on this memorandum.

PEGGY FOUTS
Regional Director
Special Nutrition Programs

Ref: CND #SP-13: Issued March 10, 2005 - Verification Activities – Reauthorization 2004
Implementation